

To:

Mr Chris Heaton-Harris MP
Minister of State
Department for Transport

18 November 2020

Dear Minister,

Public Service Vehicles Accessibility Regulations 2000 (PSVAR) and its application to Rail Replacement Services (RRS) – Progress Report November 2020

Please find enclosed the second progress report detailing the use of PSVAR vehicles during the period of August - October of this year. We committed to providing these updates following your correspondence of 21 April, granting a strictly time-limited special authorisation to coach and bus operators who provide RRS, pursuant to s.178 of the Equality Act 2010 until 31 December 2020.

As you will see from our report, PSVAR compliance during this time period has remained high as train operating companies continue to maximise the limited supply of compliant vehicles available to them. However, as was the case when I last wrote to you in August, it is important to note that the supply of PSVAR compliant coaches available for RRS is currently artificially high as demand from other markets that traditionally procure from the same fleet as rail replacement, has fallen significantly as a result of the COVID-19 Pandemic.

You have been very clear regarding your frustrations relating to this matter and your expectations of the rail industry to help address this issue, whilst also acknowledging it is not an issue we can rectify on our own. The enclosed data, while offering assurances that operators are endeavouring to procure PSVAR compliant vehicles first, does not tell us anything about how the wider market is responding to this challenge. We share your ambition for greater levels of compliance; however, I would repeat our ask that the coach market is fully engaged in the next steps regarding this issue and that the market is looked at holistically when considering PSVAR, including levels of compliance within the Home to School (H2S) market.

Recent engagement with the Confederation of Passenger Transport and rail replacement leads, has suggested that the economic backdrop as a result of the COVID crisis is seriously impacting coach operator's ability to make progress on replacing and/or upgrading non-compliant coach fleets. The new H2S exemption which overlays and goes much further than the pre-existing H2S special authorisation, has potential to further disincentivise and prolong the coach industry updating or upgrading fleets. I would reiterate that PSVAR special authorisations should, in our view, be looked at in the round to ensure alignment, as the markets are so inextricably linked.

As we have discussed bilaterally, we remain concerned that while we are endeavouring to affect change, little progress is being made to address the fundamental market forces at play within the coach industry. We are yet to have sight of any formal progress on the legislative measures you referenced in your last letter or the outcomes of the stakeholder engagement which your officials were undertaking.

Industry is willing to play its part, as I hope is evident from our commitment to date, not only through RDG resource to administer exemptions applicable to rail replacement coach operators, but also through members' visible endeavours to maximise the use of scarce supply for rail replacement in their procurement; improved and enhanced information provision through the National Rail Enquiries journey planner; updated training materials for staff in regard to rail replacement, and our extensive policy analysis and engagement of the coach industry and wider accessibility stakeholders to formulate the initial pathway to compliance.

We recognise that the operating context of the pandemic has hindered progress that would otherwise have been made regarding legislation, if bandwidth within the department had understandably not been consumed with the immediate crisis. As we approach the end of the special authorisation, it is imperative that we do not allow progress to stagnate, that we collectively take meaningful action, in partnership with the coach industry to rectify this issue permanently. The rail industry will continue to improve the offer for customers with accessibility requirements of which, one element is PSVAR.

We stand behind our initial conclusions regarding timelines for compliance within the pathway we set out to your department in March this year. As stated then, without fiscal or legislative intervention they remain hugely ambitious and from our perspective only achievable through alignment with the H2S market. You stated in your last letter that officials were going to explore this further and I would request an update on the anticipated next steps, in the lead up to, and beyond, the end of the current special authorisation as soon as possible.

As ever, I'm happy to discuss at one of our regular meetings, but if you or officials have any questions relating to the data enclosed, please do let me know.

Yours sincerely,



Paul Plummer
Chief Executive